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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 ROBERT T. MATSUI FEDERAL COURTHOUSE

11 CALIFORNIA SPORTFISHING
12 PROTECTION ALLIANCE,

13 Plaintiff,

14 v.

15 KATHLEEN ALLISON, in her
16 official capacity as Secretary
of the California Department of
17 Corrections and Rehabilitation,

18 Defendants.

19 COUNTY OF AMADOR, a public
agency of the State of
20 California,

21 Plaintiff,

22 v.

23 KATHLEEN ALLISON in her
official capacity as Secretary
of the California Department of
Corrections and Rehabilitation;
24 PATRICK COVELLO in his official
capacity of Warden of
25 California Department of
Corrections and Rehabilitation
26 Mule Creek State Prison,

27 Defendants.

Case No. 2:20-cv-02482-WBS-AC

Honorable William B. Shubb

DECLARATION OF MICHELLE
OPALENIK IN SUPPORT OF MOTION
FOR SUMMARY ADJUDICATION

No. 2:21-cv-0038-WBS-AC

Date: August 22, 2022

Time: 1:30 p.m.

Court: 5

Action Filed: Jan. 7, 2021

Trial Date: April 18, 2023

[Filed with:

1. Not. of MSA and MPAs;
2. State. of Undisp. Facts;
3. Decls. Of Ashby, Andrews,
Carlson, Emerick, Taylor,
Evatt, and McHenry;
4. Appendix of Exs.;
5. [Proposed] Order]

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DECLARATION OF MICHELLE OPALENIK

I, Michelle Opalenik, declare:

1. I have personal knowledge of the facts set forth below, and if called as a witness, could and would testify to those facts under oath.

2. Since November 2020, I have been the Director of the Environmental Health Department ("Department") of the County of Amador ("Amador"). The Department promotes and protects public health and the environment by ensuring compliance with state and county regulations, conducting investigations and inspections, and taking legal action. The Department also coordinates activities with federal, state, regional, county, and city agencies when planning and implementing environmental health programs such as programs to control toxic materials and sewage, and to protect the water supply. As Director, I am involved in these efforts, including this lawsuit regarding Mule Creek State Prison ("MCSP") in Ione, California.

3. My involvement includes obtaining and reviewing Amador records to respond to requests for production of documents in this lawsuit. Those records include documents described below, which were prepared in connection with Amador's efforts to investigate, address, and monitor contamination caused by MCSP.

3. In the fall of 2006, Amador hired Carlton Engineering Inc. ("Carlton Engineering") to sample and analyze water quality in Mule Creek and water wells near MCSP, review records concerning water quality near MCSP, and prepare a report of its findings. According to its Report, the Mule Creek samples

1 contained indicators of sewage, and some of the groundwater
2 samples from nearby drinking water wells showed nitrates in
3 excess of the maximum contaminant level ("MCL"). Carlton
4 Engineering concluded that MCSP was impacting water quality in
5 Mule Creek, and there was the potential that a significant
6 percentage of the groundwater in the area of MCSP originated from
7 MCSP's practice of spraying effluent on the land to dispose of
8 it. A true copy of Carlton Engineering's Report, dated December
9 6, 2006, is attached to Plaintiffs' Appendix in Support of Motion
10 for Summary Adjudication, filed concurrently ("Plaintiffs'
11 Appendix"), as ex. 1.

12 4. To address concerns about contamination of drinking
13 water near MCSP, in 2007, the County Board of Supervisors
14 established the Amador Safe Drinking Water Program ("Program") to
15 provide loans or grant funds to property owners near MCSP, whose
16 drinking water wells have nitrate levels in excess of the MCL, to
17 connect to the community water system. The Board of Supervisors
18 adopted Resolution No. 07-163 to create the Program. A true copy
19 of Resolution No. 07-163, adopted August 7, 2007, is attached to
20 Plaintiffs' Appendix as ex. 2.

21 5. Pursuant to the Program, Amador gave a grant to Rocklin
22 Costa to pay for the cost of connecting his residence to the
23 public water system. Mr. Costa's contract with the contractor was
24 for time and materials with a not to exceed limit of \$18,830.00.
25 A true copy of Mr. Costa's Construction Contract, dated September
26 6, 2007, is attached to Plaintiffs' Appendix as ex. 3.

27 6. Amador staff has continued to keep the Board of
28 Supervisors updated on MCSP's releases. A true copy of a

1 Memorandum from the Community Development Director to the Board
2 of Supervisors, dated January 21, 2020, updating the Board, is
3 attached to Plaintiffs' Appendix as ex. 4.

4 I declare under penalty of perjury under the laws of the
5 United States that the above is true and correct.

6 Executed at Jackson, California, on June 22, 2022.

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8 
Michelle Opalenik